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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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**PERGAMENT & CEPEDA LLP; EDWARD
PERGAMENT; AND MILAGROS CEPEDA**

Docket No. 2:23-cv-21632-WJM-CLW

Plaintiff, **DECLARATION OF AVRAM E.
FRISCH**

- against -

**UNITED STATES SMALL BUSINESS
ADMINISTRATION; ISABELLA CASILLAS
GUZMAN, IN HER OFFICIAL CAPACITY AS
THE ADMINISTRATOR OF THE SBA,**

Defendant.

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Pursuant to 28 U.S.C. § 1746, I, Avram E. Frisch declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am the attorney for Plaintiffs in this action and make this certification in regard to service of the summons and complaint on the United States.
2. As demonstrated on the docket, the agency and administrator were served on November 21, 2023.
3. In early January 2024, John Basiak, Assistant United States Attorney contacted me to determine if service had been completed in accordance with R. 4(i). Noting the oversight

in regard to service on the United States Attorney's Office and Attorney General, I served copies via certified mail to Mr. Basiak (as he directed) and the Attorney General.

4. Pursuant to the tracking information for the mailing to Mr. Basiak at the U.S. Attorney's Office, the certified mailing was delivered on January 8, 2024.
5. The certified mailing to the Attorney General of the United States was mailed January 5, 2024. Pursuant to the tracking provided by the Postal Service for tracking number 9407111899562639648035, the certified mailing arrived at the Washington D.C. distribution center on January 11, 2024, but still has not been delivered to the Attorney General. As the mailing itself was completed within 90 days, service was completed upon mailing.
6. For these reasons, I request that the call for dismissal be vacated.
7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 6, 2024.

/s/ Avram E. Frisch
Avram E. Frisch